

Remarks

In response to the non-final Office Action mailed October 4, 2006, the Applicants respectfully request reconsideration of the rejections and that the case pass to issue in light of the amendments above and the remarks below. By this paper, independent claims 1 and 11 are amended and no other claims are amended or canceled such that claims 1-48 are pending.

Independent claims 1 and 11 are amended to include additional limitations generally directed towards displaying a summary of a program from a program beginning to an input signal time if the program was not tuned to prior to receipt of the input signal.

The Examiner submits the following rejections: (1) claims 1-26, 29-32, 35-40, and 43-48 stand rejected under 35 U.S.C. § 102(e) as being anticipated by USPA 2003/0037068 to Thomas; and (2) claims 27, 28, 33, 34, 41, and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Thomas application.

Rejection of Claims 1-26, 29-32, 35-40, and 43-48 Under 35 U.S.C. § 102(e) Over the Thomas Application

Claims 1-26, 29-32, 35-40, and 43-48 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the Thomas application. This rejection applies to independent claims 1, 11, 22, and 35, which are the only independent claims pending in the application. The Applicants respectfully submit that the Thomas application fails to particularly teach each element of the independent claims, as required under 35 U.S.C. § 102(e).

Independent Claims 1 and 11

Independent claims 1 and 11 generally relate to broadcasting a video program to a user and providing program information associated with the program to the user. This may include providing a program summary. The program summary may extend from the

program beginning to receipt of an input signal representing a request for the program summary. The program summary may be used to describe a portion of the program from the program beginning to the period of time associated with receipt of the input signal. As noted above, additional limitations were added to provide the program summary if the program was not tuned to prior to receipt of the input signal. The Applicants respectfully submit that the Thomas application fails to disclose these limitations.

The Thomas application relates to playing commercials and other pause-time content when a user watching a program pauses the program. For example, when a user watches a program through DVR playback scheme and pauses playback of the program, the pause-time content may be shown while the program is paused, such as to facilitate advertising to other users within the room. The pause-time content may be a summary of events that have transpired up until the point in time in which the media was paused. The summary of events may relate to a video summary having a collection of great plays and other activities occurring within the program prior to it being paused.

Importantly, this content is only associated with content previously shown to the user, i.e., content that was previously tuned to. In contrast, the presently claimed invention provides summary information to summarize events occurring prior to tuning to the program. The Thomas application fails to provide any suggestion for such information. Moreover, the present invention only provides the information if the program was not previously tuned to. The Thomas application provides the pause-time content regardless of whether the program was previously tuned. Finally, the Thomas application requires actually pausing the program prior to providing the pause-time content. The present invention triggers delivery of the program summary upon tuning to a previously non-tuned to program during its broadcast.

As such, the Thomas application fails to teach an number of the limitations recited in independent claims 1 and 11, and therefore these claims and the dependent claims that depend therefrom are patentable and nonobvious over the Thomas application.

Independent Claims 22 and 35

Independent claims 22 and 35 generally relate to broadcasting video programs to a user and providing at least a copy of a portion of the program to the user if the program is tuned to for a predefined period of time. The Thomas application fails to disclose any time based process for providing the pause-time content.

The Thomas application, as noted above, begins providing the pause-time content immediately upon determining pausing of program playback. There is no assessment conducted as to the period of time in which the program was paused, let alone the period of time for which the program has been tuned to. As such, the Thomas application fails to disclose each limitation recited in independent claims 22 and 35 such that these independent claims and the dependent claims which depend therefrom are patentable and nonobvious over the Thomas application.

Rejection of Claims 27, 28, 33, 34, 41, and 42 Under 35 U.S.C. § 103(a) Over the Thomas Application

Claims 27, 28, 33, 34, 41, and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Thomas application. This rejection includes two principle rejections to dependent claims 27 and 28 based on the Thomas application taken in combination with Official Notice. In accordance with MPEP § 2144.03, the Applicants respectfully traverse and challenge the Examiner's taking of Official Notice.

With respect to dependent claim 27, the Applicants submit it is not well-known or commonly known to include an input device for generating a request for display of at least a portion of the copy of at least a portion of the program. In particular, this limitation is directed towards an input device having capabilities to request the copy after the broadcast has begun. The Applicants submit that there are no known input devices which request copies of programs after the program has begun playing without the program having been previously

tuned to. Because such a device is not well-known or commonly know, the Applicants submit the Examiner cannot take Official Notice with respect to the same.

With respect to dependent claim 28, the Applicants submit it is not well-known or commonly known to include an indicator for use with confirming receipt of a copy of at least a portion of the program when the display is tuned to a broadcast of another video program. This indicator is used in conjunction with the present invention and the ability of the present invention to provide a copy of a program from prior in time to tuning to that program. This is believed to be a novel aspect of the invention, thereby, the use of the indicator to facilitate such a novel concept cannot be common knowledge or well-known.

In view of the foregoing, the Applicants challenge and respectfully request the Examiner to reconsider the factual assertions forming the basis for the Official Notice. The Examiner is requested to support his arguments with teachings from suitable prior art references.

Conclusion

In view of the foregoing, the Applicants respectfully submit that each rejection has been fully replied to and traversed and that the case is in condition to pass to issue. The Examiner is respectfully requested to pass the case to issue and is invited to contact the undersigned if it would further prosecution of the case to issue.

S/N: 10/074,743
Reply to Office Action of October 4, 2006

Atty Dkt No. 2001-0156 / ATTB 0107 PUS

Please charge the Petition fee of \$120.00 and any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,
Scott Brenner et al.

By /John R. Buser/
John R. Buser
Reg. No. 51,517
Attorney/Agent for Applicant

Date: 02/02/2007

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351